

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN C. KITCHIN, JR., et al., *on behalf of  
themselves and all others similarly situated,*

Plaintiffs,

v.

BRIDGETON LANDFILL, LLC, et al.,

Defendants.

Case No. 4:18-cv-00672-CDP

BRIDGETON LANDFILL, LLC,

Third-Party Plaintiff,

v.

COTTER CORPORATION (N.S.L.),

Third-Party Defendant.

**AGREED MOTION FOR EXTENSION OF TIME FOR THIRD-PARTY DEFENDANT  
COTTER CORPORATION (N.S.L.) TO RESPOND TO THIRD-PARTY COMPLAINT**

Third-Party Defendant Cotter Corporation (N.S.L.) (“Cotter”) requests an agreed extension to respond to Defendant Bridgeton Landfill, LLC’s (“Bridgeton”) third-party complaint from December 27, 2021, to February 28, 2022. In support of this agreed motion, Cotter states that:

1. On July 8, 2021, this Court’s jurisdiction was reinstated by a decision of the Eighth Circuit Court of Appeals, Case No. 19-2072.
2. Plaintiffs have sought review of the Eighth Circuit’s decision by filing a petition for writ of certiorari in the United States Supreme Court, Case No. 21-683.

3. Bridgeton's brief in opposition to Plaintiffs' petition for writ of certiorari to the Supreme Court is currently due on January 10, 2022, and, based on the Supreme Court's current conference schedule, the Supreme Court may grant or deny Plaintiffs' petition by February 21, 2022.

4. On October 4, 2021, Bridgeton, with leave of court, filed the third-party complaint against Cotter.

5. On October 26, 2021, Bridgeton sent Cotter's counsel a waiver of service of summons, and Cotter's counsel accepted and signed the waiver of service of summons.

6. Under Federal Rule of Civil Procedure 4(d)(3), Cotter's response to the third-party complaint is currently due on December 27, 2021.

7. The agreed extension is requested in good faith and not for purposes of delay or other improper purpose.

For these reasons, Cotter requests an agreed extension to respond to Bridgeton's third-party complaint from December 27, 2021, to February 28, 2022, and if the Supreme Court has either granted or not denied Plaintiffs' petition by February 21, 2022, Cotter reserves the right to seek another extension.

Dated: December 27, 2021

Respectfully submitted,

/s/ Brian O. Watson

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**ATTORNEYS FOR THIRD-PARTY  
DEFENDANT COTTER CORPORATION  
(N.S.L.)**

**CERTIFICATE OF SERVICE**

I certify that on December 27, 2021, these papers were served on all counsel of record via email, as well as by filing it in the court's electronic filing system, which will provide electronic notice and a copy of the filing to all parties and attorneys of record.

Respectfully submitted,

By: /s/ Brian O. Watson

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